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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 4 March 1994 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights

Mr. Chairman,

I have the honour to submit to you the comments of the Government of the Federal Republic of Yugoslavia on the resolution entitled "Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)", in a situation when, unfortunately, representatives of my Government are not allowed to present their opinion on the issues directly related to my country:

"The Government of the Federal Republic of Yugoslavia should first of all like to point out the great significance that the Federal Republic of Yugoslavia (FRY) attaches to human rights in general. Furthermore, since the Government is addressing you as the Chairman of the fiftieth session of the Commission on Human Rights, it should especially like to underline that the FRY respects the Commission as the most prominent United Nations body directly dealing with the promotion and protection of human rights. To support this, we shall mention but some examples of direct cooperation with representatives of this distinguished body since last year's session: the visits of associates of Mr. Mazowiecki, the Special Rapporteur on the former Yugoslavia;

the visit of the Working Group on Enforced or Involuntary Disappearances; the exchange of numerous written communications with Special Rapporteurs on certain issues; the visits of many other missions whose intention was to learn about the human rights situation in the FRY (CERD, UNESCO); as well as our permanent and intense contacts with a number of non-governmental organizations. According to our information, over 150 international delegations visited Kosovo and Metohija last year.

Despite our obvious readiness to continue cooperating in the best possible manner, actively and openly, with all those who sincerely intend to promote and ensure the respect of human rights the world over, including our country, again we are in the position to respond to an inappropriate and unobjective resolution, primarily due to the spirit in which it has been written, as reflected in its concrete formulations.

Therefore, we must repeat the comments presented by the Permanent Representative of the FRY to the United Nations at last year's General Assembly session, when a similar resolution was adopted, based on the same political philosophy. Namely, the proposed draft resolution is far from reflecting and taking into account the actual human rights situation in the FRY. This resolution accuses of all the possible gravest human rights violations not only the Bosnian Serbs, which has been the usual practice, but also the FRY. Allow us to mention only some drastic examples: the FRY is accused, among other things, of the violation of international humanitarian law, although it is not a party to the Bosnian conflict, as well as for 'ethnic cleansing', despite the fact that there is not one concrete proof of such a practice, and all that, allegedly, due to FRY's military involvement in the Bosnian conflict, although it is a well-known fact that the only troops engaged in Bosnia and Herzegovina are Croatia's regular troops.

At the same time, the authors of the resolution did not find it necessary even to mention the difficult humanitarian situation in the FRY, where it is impossible to ensure conditions for the implementation of a number of human rights, above all, of the fundamental right to life, health, food, free movement, education, etc. as a result of the international sanctions. Those who suffer the most are the sick, the elderly, women and children. Obviously, the authors either do not read or do not want to note numerous reports of respectable United Nations humanitarian agencies, such as UNHCR, UNICEF, WHO, FAO and others. Maybe the authors are of the opinion that only in the case of the FRY the work of these agencies is not at the same time the work on the realization of human rights.

As regards Kosovo and Metohija, which is the official name of this region of the Republic of Serbia, and the problems that objectively exist there, the Government of the Federal Republic of Yugoslavia and many other competent institutions in the FRY have submitted thousands of pages to all the relevant international governmental and non-governmental organizations, in the attempt to explain the situation in the region. This time again we should like to emphasize the undeniable fact that there is no violation of human rights of the Albanian minority by the legitimate FRY authorities in Kosovo and Metohija; the truth is rather that the political leaders of this minority are trying to carry out secession, i.e. to annex part of the territory of the Federal Republic of Yugoslavia to Albania, not recognizing its legitimately

elected organs of power and institutions, and rejecting any cooperation. Through its position on the issue of Kosovo and Metohija, under the pretext of offering suggestions for the promotion of the human rights situation there, the Commission is in fact directly interfering in the internal structure of a sovereign State. Many important international factors have lately realized the political reality in Kosovo and Metohija, and made it clear to Albanian secessionists that they should renounce their aspirations.

Over 10 minority groups live in the FRY, and it is only a part of the Albanian minority that refuses to participate in the political and public life and to enjoy all civil, political and minority rights, guaranteed to it by the FRY Constitution and other laws.

The so-called 'Sandzak' does not exist as an official geographical term; the name of this region is Raska. We have repeatedly pointed out that 'Sandzak' is a Turkish name for one of the Turkish medieval administrative units. The population in this part of Serbia, very heterogeneous in terms of ethnic composition and religious affiliations, lived in peace and harmony for years, which would still be the case if it were not for external political interference and conflicting political interests, also present in the major part of the former Yugoslavia. We have also submitted on numerous occasions accurate data on the equality of and equal opportunities for all citizens, regardless of their ethnic origin.

With regard to Vojvodina, all the national minorities living in this province fully cooperate with the republican and federal authorities, that they treat as legitimate authorities of their own State, and participate in them on an equal basis. This includes Hungarians as the biggest national minority, which is, among other things, reflected by their cooperation with their country of origin, the Republic of Hungary, with a view to further promoting their status in all relevant fields.

Mr. Chairman,

The Government of the Federal Republic of Yugoslavia deems unacceptable the discriminatory attitude that the Commission has had towards the FRY since the very beginning of the crisis in the former Yugoslavia, especially in reviewing and adopting resolutions on the human rights situation in its territory, on which the FRY has never been consulted, which is also the case with the last resolution.

This practice constitutes a flagrant violation of FRY's legitimate right to contribute equally to the realization of the Commission's actions, and is contrary to one of the most important principles upon which the Commission's work should be based - the avoiding of politicization of human rights and of their abuse because of political interests.

The FRY considers a mere provocation and hypocrisy the fact that countries like Albania, whose human and minority rights standards are among the lowest in Europe, then Turkey, a country that has carried out three genocides in this century against part of its population, Armenians, and is doing the same now against the Kurds; or Pakistan and Malaysia, the countries that are the subject of numerous reports of various Special Rapporteurs and

non-governmental organizations, due to systematic and massive human rights violations, should be consulted and decide on the text of a resolution related to the FRY.

Those who have denied the right of the FRY to participate in the work of the Commission and in the elaboration of the mentioned documents without any legal grounds, have thereby suspended its obligations stemming from them.

All that is done despite the fact that the FRY is the successor of the policies, practice and obligations related to the respect of human rights that the Socialist Federal Republic of Yugoslavia undertook and was committed to under international conventions and covenants on human rights."

Mr. Chairman, please accept the assurances of my highest consideration

(signed): Dr. Vladimir Pavicevic